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10/680,630	10/07/2003	Eric G. Hull	427600700080	5078

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901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,630

Applicant(s)

HULL ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0904.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 22-23, 30-31, 38-39, 46-48 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wright (6,369,323).

Wright discloses:

Regarding claim 22, an electrical outlet box 12 molded in one-piece of plastic material with alternative mounting flanges 25, 27 thereon (see figs 1-3, column 2 lines 40-60), one of said flanges 27 extending generally perpendicular to one box sidewall for attaching the box to a front surface of a wall stud (see column 2 lines 40-60) and the other of said flanges 25 extending generally parallel to an opposite box sidewall 22 on an opposite side of the box from said one flange for attaching the box to a side surface of a wall stud (see figs 2-3, column 2 lines 40-60).

Regarding claim 23, wherein said box has a front opening 24 with a front opening plane (see fig 2), said one flange having a rear flange surface facing away from said plane and said other flange having a front flange surface facing toward said plane

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(see fig 2), and both said rear flange surface and said front flange surface being spaced the same distance from said plane (see fig 2). It is noted that the assembly of Wright meet the structural limitations.

Regarding claim 30, an electrical outlet box 12 molded in one-piece of plastic material (see figs 1-3, column 2 lines 40-60) , said box having opposite sides and opposite ends (see fig2), a mounting flange 27, 25 on each of said sides for mounting said box to a wall stud (see figs 1-3, column 2 lines 40-60), one of said flanges extending outwardly from one of said sides generally perpendicular thereto, and the other of said flanges 25 extending outwardly from said ends generally parallel to the other of said sides (see fig 2, column 2 lines 40-60).

Regarding 31, wherein said box has a front opening 24 with a front opening plane, said one flange having a rear flange surface facing away from said plane and said other flange having a front flange surface facing toward said plane, and both said rear flange surface and said front flange surface being spaced the same distance froth said plane (see fig 2-3).

Regarding claim 38, an electrical outlet box 12 molded in one-piece of plastic material, said box having opposite sidewalls 20, 22 top and bottom walls 16 and 18, a rear wall 14 and a front opening 24 opposite from said rear wall, said front opening having an opening periphery that lies in a plane (see fig 2, column 2 lines 40-65), a first mounting flange 25 extending outwardly from one of said sidewalls generally parallel to said

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plane for attaching said box to a front surface of a wall stud and being spaced toward said rear wall from said plane (see fig 2), a second mounting flange 27 extending outwardly from the other of said sidewalls generally perpendicular to said plane for attaching said box to a side surface of a wall stud and being spaced toward said rear wall from said plane, and said second mounting flange extending outwardly beyond both said top and bottom walls (see fig 2).

Regarding claim 39, said one flange has a rear flange surface facing away from said plane and said other flange has a front flange surface facing toward said plane, and both said rear flange surface and said front flange surface being spaced the same distance from said plane (see fig 2).

Regarding claim 46, an electrical outlet box 12 molded in one-piece of plastic material with alternative mounting flanges 25,27 thereon (see fig 2), one of said flanges extending generally perpendicular to one box sidewall for attaching the box to a front surface of a wall stud and the other of said flanges extending generally parallel to an opposite box sidewall on an opposite side of the box from said one flange for attaching the box to a side surface of a wall stud (see fig 2, column 2 lines 40-60), and said opposite box sidewall being free of any flange that overlies a front surface of a wall stud when said other flange is attached to a side surface of the wall stud (see figs 2-3) .

Regarding claim 47, an electrical outlet box 12 molded in one-piece of plastic material, said box having opposite sides and opposite ends (see fig 2, column 2 lines 40-60),

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a mounting flange 27, 25 on each of said sides for mounting said box to a wall stud, one of said flanges 25 extending outwardly from one of said sides generally perpendicular thereto, the other of said flanges 27 (see fig 2, column 2 lines 40-60) extending outwardly from said ends generally parallel to the other of said sides, and said other of said sides of said box being free of any flange that overlies a front surface of a wall stud when said other flange is attached to a side surface of the wall stud (see fig 2).

Regarding claim 48, an electrical outlet box 12 molded in one-piece of plastic material, said box having opposite sidewalls 20, 22 top and bottom walls 16 and 18, a rear wall 14 and a front opening 24 opposite from said rear wall, said front opening having an opening periphery that lies in a plane (see fig 2, column 2 lines 40-65), a first mounting flange 25 extending outwardly from one of said sidewalls generally parallel to said plane for attaching said box to a front surface of a wall stud and being spaced toward said rear wall from said plane (see fig 2), a second mounting flange 27 extending outwardly from the other of said sidewalls generally perpendicular to said plane for attaching said box to a side surface of a wall stud and being spaced toward said rear wall from said plane, and said second mounting flange extending outwardly beyond both said top and bottom walls (see fig 2), and said other of said sidewalls being free of any flange that overlies a front surface of a wall stud when said second mounting flange is attached to the side surface of the wall stud (see fig 2).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 24-25, 28-29, 32-33, 36-37, 40-41, and 44-45 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Wright (6,369,323).

Wright discloses:

Regarding claims 24 , 32, 40 and 44, the assembly of Wright disclose all the features of the claimed invention as shown above, including said one flange has a flange thickness generally perpendicular to said plane and said other flange has a flange thickness generally parallel to said plane (see fig 2), but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. It would have been an obvious matter of design choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange , since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of Wright.

It is noted that the modified assembly of Wright meet the structural limitations.

Regarding claims 25, 33,41 and 45, the modified assembly of Wright disclose all the features of the claimed invention as shown above, including said one flange has a flange width generally parallel to said plane and said other flange has a flange width generally perpendicular to said plane (see figs 2-3), but fails to disclose said flange width

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of said one flange being greater than said flange width of said other flange. it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange , since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange width of said one flange being greater than said flange width of said other flange of Wright.

It is noted that the modified assembly of the modified assembly of Wright meet the structural limitations.

Regarding claim 28, the assembly of Wright disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a flange thickness extending generally perpendicular to said plane and said other flange having a flange thickness generally parallel to said plane, but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. it would have been an obvious matter of design choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange , since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being

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greater than said flange thickness of said one flange of Wright.

It is noted that the modified assembly of Wright meet the structural limitations.

Regarding claim 29, the assembly of Wright disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a width generally parallel to said plane, said other flange having a width generally perpendicular to said plane, but fails to disclose said flange width of said one flange being greater than said flange width of said other flange.

it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange , since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange width of said one flange being greater than said flange width of said other flange of Wright.

Regarding claim 36, the assembly of Wright disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a flange thickness extending generally perpendicular to said plane and said other flange having a flange thickness generally parallel to said plane, but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. it would have been an obvious matter of design

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choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange , since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of Wright.

Regarding claim 37, the assembly of Wright disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a width generally parallel to said plane and said other flange having a width generally perpendicular to said plane, but fails to disclose said flange width of said one flange being greater than said flange width of said other flange. it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange , since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange width of said one flange being greater than said flange width of said other flange of Wright.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 22-25, 28-33, 36-37, and 46-47 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over H. K. Meeks et al (1,857,787).

H. K. Meeks et al disclose:

Regarding claim 22, an electrical outlet box molded in one-piece of material (see fig 1 and the entire specification) with alternative mounting flanges 28, 30 thereon (see figs 1-3, and the entire specification), one of said flanges 28 extending generally perpendicular to one box sidewall for attaching the box to a front surface of a wall stud (see the entire page 2) and the other of said flanges 30 extending generally parallel to an opposite box sidewall on an opposite side of the box from said one flange for attaching the box to a side surface of a wall stud (see fig 1 and the entire specification), but fails to disclose the box being made from plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of H. K. Meeks et al with the box being made from plastic material , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Regarding claim 23, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including wherein said box has a front opening with a front opening plane (see fig 1), said one flange having a rear flange surface facing away from said plane and said other flange having a front flange surface facing toward said plane (see fig 1), and both said rear flange surface and said front flange surface being spaced the same distance from said plane (see fig 1). It is noted that the modified assembly of H. K. Meeks meet the structural limitations.

Regarding claim 30, an electrical outlet box molded in one-piece of material (see fig 1 and the entire specification) , said box having opposite sides and opposite ends (see fig 1), a mounting flange 28, 30 on each of said sides for mounting said box to a wall stud (see the entire page 2), one of said flanges extending outwardly from one of said sides generally perpendicular thereto, and the other of said flanges 30 extending outwardly from said ends generally parallel to the other of said sides (see fig 1), but fails to disclose the box being made from plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of H. K. Meeks et al with the box being made from plastic material , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Regarding 31, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including wherein said box has a front opening 24 with a front opening plane, said one flange having a rear flange surface facing away from said plane and said other flange having a front flange surface facing toward said plane, and both said rear flange surface and said front flange surface being spaced the same distance froth said plane (see fig 1).

Regarding claim 46, an electrical outlet box molded in one-piece of materia (see fig 1 and the entire specification) with alternative mounting flanges 28 and 30 thereon, one of said flanges extending generally perpendicular to one box sidewall for attaching the box to a front surface of a wall stud and the other of said flanges extending generally parallel to an opposite box sidewall on an opposite side of the box from said one flange for attaching the box to a side surface of a wall stud (see fig 1, and the entire page 2), and said opposite box sidewall being free of any flange that overlies a front surface of a wall stud when said other flange is attached to a side surface of the wall stud (see fig 1), but fails to disclose the box being made from plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of H. K. Meeks et al with the box being made from plastic material , since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Regarding claim 47, an electrical outlet box 12 molded in one-piece of material (see fig 1 and the entire specification), said box having opposite sides 19 and opposite ends (see fig 1), a mounting flange 28, 30 on each of said sides for mounting said box to a wall stud (see fig 1 and the entire page 2), one of said flanges 28 extending outwardly from one of said sides generally perpendicular thereto, the other of said flanges 30 extending outwardly from said ends generally parallel to the other of said sides, and said other of said sides of said box being free of any flange that overlies a front surface of a wall stud when said other flange is attached to a side surface of the wall stud (see fig 1 and the entire page 2), but fails to disclose the box being made from plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of H. K. Meeks et al with the box being made from plastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 24 and 32, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including said one flange has a flange thickness generally perpendicular to said plane and said other flange has a flange

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thickness generally parallel to said plane (see fig 2), but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. it would have been an obvious matter of design choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange , since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of the modified assembly of H. K. Meeks.

It is noted that the modified assembly of H. K. Meeks meet the structural limitations.

Regarding claims 25 and 33, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including wherein said one flange has a flange width generally parallel to said plane and said other flange has a flange width generally perpendicular to said plane (see figs 2-3), but fails to disclose said flange width of said one flange being greater than said flange width of said other flange. it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange , since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange width of said one

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flange being greater than said flange width of said other flange of the modified assembly of H. K. Meeks.

It is noted that the modified assembly of H. K. Meeks meet the structural limitations.

Regarding claim 28, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a flange thickness extending generally perpendicular to said plane and said other flange having a flange thickness generally parallel to said plane, but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. it would have been an obvious matter of design choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange , since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of H. K. Meeks.

It is noted that the modified assembly of H. K. Meeks meet the structural limitations.

Regarding claim 29, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including wherein said box has a front opening with a front opening plane, said one flange having a width generally parallel to said plane, said other flange having a width generally perpendicular to said plane, but fails to disclose said flange width of said one flange being greater than said flange width of said

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other flange. it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange, since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange width of said one flange being greater than said flange width of said other flange of H. K. Meeks.

Regarding claim 36, the modified assembly of H. K. Meeks disclose all the features of the claimed invention as shown above, including said box has a front opening with a front opening plane, said one flange having a flange thickness extending generally perpendicular to said plane and said other flange having a flange thickness generally parallel to said plane, but fails to disclose said flange thickness of said other flange being greater than said flange thickness of said one flange. it would have been an obvious matter of design choice to use said flange thickness of said other flange being greater than said flange thickness of said one flange, since applicant has not disclosed that said flange thickness of said other flange being greater than said flange thickness of said one flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of H. K. Meeks.

Regarding claim 37, the modified assembly of H. K. Meeks disclose all the features of the

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claimed invention as shown above, including wherein said box has a front opening with a front opening plane, said one flange having a width generally parallel to said plane and said other flange having a width generally perpendicular to said plane, but fails to disclose said flange width of said one flange being greater than said flange width of said other flange.

it would have been an obvious matter of design choice to use said flange width of said one flange being greater than said flange width of said other flange , since applicant has not disclosed that said flange width of said one flange being greater than said flange width of said other flange solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if designed with said flange thickness of said other flange being greater than said flange thickness of said one flange of H. K. Meeks.

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Allowable Subject Matter

4. Claims 26-27, 34 -35, 42-43 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claims 26-27,34-35, 42-43 are the inclusion therein, in combination as currently claimed, of the limitation of abutments projecting outwardly from the sidewall on which said other flange is located (for claims 26-27,34-35, 42-43).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant

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to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

6. Applicant's arguments with respect to claims 22-48 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant argues on page 11 that the side mounting flange B....wide to meet the strength requirements. The examiner respectfully disagrees because claims do not claimed flange B is desirably thin so as to minimize and bulge in the overlying drywall as well as due to its thinness, side flange B is wider to provide added strength that meets the requirements for a load test.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel

Primary Examiner

Group Art Unit 2831

September 7, 2004

Dhiru R Patel
9/7/04.
DHIRU R. PATEL
PRIMARY EXAMINER